

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

—
No. 6:22-cv-00084

—
Northington Butler,
Plaintiff,
v.
Director, TDCJ,
Defendant.

—

O R D E R

Plaintiff Northington Butler, a prisoner of the Texas Department of Criminal Justice–Correctional Institutions Division proceeding pro se, filed a petition for a writ of habeas corpus challenging the legality of his confinement. *See* No. 6:21-cv-00497. While his petition was proceeding, he filed a motion for injunctive relief. Because the motion concerned prison conditions and not the legality of his confinement, and thus is not proper in a habeas corpus petition, the court severed it into this civil-rights lawsuit. Doc. 3. The case was referred to United States Magistrate Judge John D. Love.

The magistrate judge ordered plaintiff to amend his complaint to set out a short and plain statement of his claims for relief concerning the prison conditions about which he complained. Doc. 5. When plaintiff did not comply with this order, the magistrate judge issued a report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the court. Doc. 9. Plaintiff received a copy of this report on May 24, 2022, but has filed no objections.

When there have been no timely objections to a magistrate judge’s report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge’s report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff’s claims are

dismissed without prejudice for failure to prosecute or to obey an order of the court.

So ordered by the court on July 19, 2022.



J. CAMPBELL BARKER
United States District Judge